

### **REMARKS**

Claims 1-37 are all the claims presently pending in the application. Claims 1, 8, 9, 14, 27 and 36 are amended for the sake of clarification.

It is noted that the claim amendments, if any, are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

The Examiner on page 4 of paper no. 20090511 (hereinafter, the present office action), alleges that Claims 1-37 stand rejected under 35 U.S.C. § 103(a) as anticipated by Funderburk et al. ("XTABLES: Bridging Relational Technology and XML", hereinafter, *Funderburk et al.*) in view of Loaiza et al. (U.S. Patent 6,618,812, hereinafter, *Loaiza et al. '812*) and in further view of Guzman et al. (U.S. Patent 7,082,435, hereinafter, *Guzman et al. '435*). However, again as mentioned in the previous preliminary amendment, the rejection of record is clearly an obviousness rejection under 35 U.S.C. § 103(a) and not an anticipation rejection. Respectfully, this rejection is traversed in the following discussion.

### **I. THE CLAIMED INVENTION**

The claimed invention is directed to (e.g., claim 1), a method of developing actual resources without alteration into a collection of virtual resources customized to a particular audience. The method includes constructing at least one virtual resource independent of an actual resource, storing the virtual resource in a tangible computer readable media, connecting the actual resource to the at least one virtual resource, retrieving the at least one virtual resource from the tangible computer readable media, and extracting at least one descriptor

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from said at least one retrieved virtual resource. The virtual resource includes a resource utilized at a logic authoring time and the actual resource includes a resource utilized at a runtime.

*Funderburk et al.* discloses basically a middleware system called XTABLES that changes the format of relational database information into an XML (Extensible Markup Language) format for use by XML applications that may include retrieving information of the database. "XML (Extensible Markup Language) has emerged as the standard data-exchange format for Internet Applications...One of the features provided by XTABLES is the ability to create XML views of existing relational data. XTABLES does this by automatically mapping the schema and data of the underlying relational database system to a low-level default XML view." (Abstract and page 616, col. 2, lines 12-16 of *Funderburk et al.*).

*Loaiza et al.* '812 also teaches of changing a format of a recovery log of a relational database as it states "The data stored in the recovery log is presented as a relational database statements even though the underlying recovery log data may be stored in a non-relational format." (Abstract of *Loaiza et al.* '812).

However, rather than changing the format of the database as seen in *Funderburk et al.* and *Loaiza et al.* '812, the claimed invention, on the other hand, includes constructing a virtual resource that is "independent of an actual resource", and where the "virtual resource comprises a resource utilized at a logic authoring time and said actual resources comprises a resource utilized at a runtime."

## **II. 35 U.S.C. 101 REJECTION**

Claims 1-13 and 27-29 are allegedly rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter on page 3 of the present office action, and

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claim 30 is additionally alleged on page 4 as being similarly rejected.

As per claims 1-13, the Examiner states that "the method is directed to developing actual resource, but the Applicant's disclosure, see page 14, lines 21-24, does not appear to suggest an embodiment of a physical device, as required by 35 USC 101. According the method claim does not appear to be statutory."

In the interest of clarifying the claims, structural elements were clarified in the body of the claims.

The Examiner also states on pages 3-4 of the present office action that as per claim 27-30, "the claim is directed to a service without any further recitation of the service at least being a computerized service nor any hardware component recited along with in the body of the claims." Therefore, in the interest of expediting prosecution and clarifying the claims, computer related hardware has been incorporated into the body of the claims.

Therefore, this rejection should be removed for claims 1-13 and 27-30.

### III. THE ALLEGED PRIOR ART REJECTION

#### **Combination of *Funderburk et al., Loaiza et al. '812* and *Guzman et al. '435***

The Examiner alleges that *Funderburk et al.* as modified by *Loaiza et al. '812* and further modified by *Guzman et al. '435*, renders obvious the claimed invention. Applicants again submit, however, that there are elements of the claimed invention which are neither taught nor suggested by the combination of *Funderburk et al., Loaiza et al. '812* and *Guzman et al. '435*.

The claimed invention includes (e.g., claim 1) *a method of developing actual resources without alteration into a collection of virtual resources customized to a particular audience, said method comprising:*

*constructing at least one virtual resource independent of an actual resource;*

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*storing the virtual resource in a tangible computer readable media;*  
*connecting the actual resource to the at least one virtual resource;*  
*retrieving the at least one virtual resource from the tangible computer readable media;*  
*and*  
*extracting at least one descriptor from said at least one retrieved virtual resource,*  
*wherein said virtual resource comprises a resource utilized at a logic authoring time*  
*and said actual resource comprises a resource utilized at a runtime.*

On page 5 of the present office action, the Examiner states that "constructing at least one virtual resource independent of an actual resource (i.e. *"Figure 2 illustrates the default view for a simple purchase-order database. The database consists of three tables, one to track customer orders, a second to track items associated with an order, and a third to track the payments due for each order. Items and payments are related to orders by an order identifier (oid). In the default XML view, top-level elements correspond to tables, with table names appearing as tags. Row elements are nested under these. Within a row element, column names appear as tags and column values appear as text. Although not shown, an XML schema associated with the default view captures primary- and foreign-key relationships.* The preceding text clearly indicates that at least one virtual resource is the default XML view.) (Page 620)"

However, the Examiner, on page 6 of the present office action, admits that Funderburk et al. fails to teach or suggest a virtual resource, but argues that *Loaiza et al. '812* does provide such a teaching.

Therefore, it would be improper to allege that the virtual resource of *Funderburk et al.* is independent of the actual resource, when *Funderburk et al.* fails to teach any virtual

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resource.

Moreover, *Funderburk et al.* is basically teaching of changing a format of the relational database into XML so that the data from the relational databases that are not in XML format can be used to exchange data for applications such as Internet-based business applications. (See, Abstract and page 619, 2nd column, last paragraph to page 625 of *Funderburk et al.* For example, *Funderburk et al.* states that "to publish the purchase-order database as a list of orders in the XML format shown in FIG. 3. There, each order appears as a top-level element, with its associated items and payments..To transform the default view into the desired XML format, a user-defined view called "orders" is created, as shown in Figure 4." (last paragraph of page 620, See also, FIGS. 3 and 4). Therefore, in *Funderburk et al.* the XTABLES are entirely dependent on the relational database as there is only a direct mapping of the information retrieved from the database to change the format into XML.

The claimed invention, on the other hand, has a virtual resource that is not directly mapped from the actual resources as the virtual resource is *independent* from the actual resources. Additionally, the claimed invention does not just change the format to allow for queries or other application use of the database information, but the claimed invention has resources of the virtual resource that are utilized at a *logic authoring* time, where the virtual resource are independent of the actual resource.

Looking at *Loaiza et al. '812*, there is only a disclosure of "virtual tables" but nothing teaching or suggesting of the virtual resources being independent of the actual resources. In fact, *Loaiza et al. '812* is teaching away from the claim invention because in col. 5, lines 39-41 states, "The user-defined functions dynamically retrieve and populate column values for a virtual table from underlying data sources (i.e., recovery logs)." Therefore, it is clear that

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*Loaiza et al.* '812 is teaching away from the claimed invention, since *Loaiza et al.* '812 teaches that the virtual table is from the actual resources of the data sources. Therefore, the virtual table in *Loaiza et al.* '812 is dependent on the actual resources.

Moreover, since *Loaiza et al.* '812, just like *Funderburk et al.*, teaches away from the claimed invention, *Loaiza et al.* '812 cannot be combined with *Funderburk et al.* or *Guzman et al.* '435, and therefore, it is clear a *prima facie* case of obviousness is not provided.

Additionally, *Loaiza et al.* '812, also is teaching of changing the format of the database information and specifically the recovery log information in the database. (See Abstract and claims 1-2 of *Loaiza et al.* '812).

Moreover, the "virtual log view" that the Examiner is using as teaching the virtual resources is not teaching the claimed invention because, "the "virtual" log view... database storage is not absolutely required for the log view." (col. 6, lines 50-64). However, in the claimed invention, the virtual resources are stored and retrieved from a computer readable media.

Further, as seen in the column definitions and source code for the recovery log view on cols. 5-18, there is a direct mapping from the original database of the first format to the recovery log file in the second translated format and therefore, the virtual recovery log is dependent on the actual resource. The formatting is changed so that it can be easier to retrieve information from the Oracle 8i database, for example. The claimed invention, however, has the virtual resources *independent* of the actual resources and is not merely changing the format for easier access of the information.

Additionally, *Funderburk et al.*, *Loaiza et al.* '812 and *Guzman et al.* '435 are not teaching or suggesting of *connecting the actual resource to the at least one virtual resource* as

claimed. As shown above *Funderburk et al.* and *Loaiza et al.* '812 are directly connected or directly mapping the actual resource. In the claimed invention, as shown above, the virtual resource is constructed independent of the actual resource as claimed and the constructed at least one virtual resource is connected to the actual resource, which is different than constructing the virtual resource directly from the actual resource as the Examiner alleges the combination of *Funderburk et al.*, *Loaiza et al.* '812 and *Guzman et al.* '435 teaches.

The claimed invention also includes (e.g., claim 9) wherein information constructing the at least one virtual resource includes data independent from the actual resource, the method further comprising:

selectively manipulating the retrieved virtual resource by updating or deleting at least a portion of the retrieved virtual resource; and  
authoring the virtual resource into a logic code stored and executable by a computer to generate a second actual resource from the virtual resource.

As shown above, both *Funderburk et al.* and *Loaiza et al.* '812 map only the information from the actual resources as they change the formatting by only direct mapping of the information to provide the XTABLES or virtual table. Therefore, there is no teaching or suggestion of providing new or updated information within the virtual resources that is not directly mapped from the actual resources including *data independent from the actual resource, selectively manipulating the retrieved virtual resource by updating or deleting at least a portion of the retrieved virtual resource*. Moreover, unlike the format changing in *Funderburk et al.* and *Loaiza et al.* '812, the claimed invention also creates new information including *authoring the virtual resource into a logic code stored and executable by the computer to generate a second actual resource from the virtual resource*. There is no teaching

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or suggestion in *Funderburk et al.* and *Loaiza et al.* '812 of creating anything new or updating the virtual resources independent of the actual resources as *Funderburk et al.* and *Loaiza et al.* '812 are directly connected to the actual databases that they are retrieving from and changing their format. Meanwhile, the claimed invention is updating, creating, deleting information and authoring code that is executable. *Funderburk et al.* and *Loaiza et al.* '812 does not teach or suggest authoring executable code that will generate a second actual resource that is independent at least in part from the first actual resource.

*Guzman et al.* '435 does not teach anything additional with respect to above mentioned limitations. *Guzman et al.* '435 is disclosing the *encoding* or mapping of virtual database table structures into source tables. (See, e.g., Abstract). Therefore, there is no teaching or suggestion of the relation to the actual resources.

Therefore, Applicants again submit that there clearly are elements of the claimed invention that are not taught or suggest by the combination of *Funderburk et al.*, *Loaiza et al.* '812 and *Guzman et al.* '435, and the Examiner is respectfully requested to reconsider and withdraw this rejection.

#### **IV. FORMAL MATTERS AND CONCLUSION**

In view of the foregoing, Applicant submits that claims 1-37, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,



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